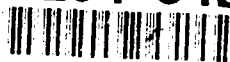


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USAWC MILITARY STUDIES PROGRAM PAPER

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ROLE OF THE MILITARY IN THE DRUG WAR:
HAVE WE EXCEEDED CONGRESSIONAL INTENT?

AN INDIVIDUAL STUDY PROJECT

by

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THE ROLE OF THE MILITARY IN THE DRUG WAR HAVE WE EXCEEDED CONGRESSIONAL INTENT

INTRODUCTION

One of the most harmful influences on U.S. society comes from the instability caused by the illicit drug trade. While these highly addictive substances are extremely dangerous to the user, they also constitute a threat to society at large and the national security as well. They are the "currency of crime" that corrupts and strains our faith in our system of justice, clogs the courts with drug-related trials, jams the penal institutions with convicted felons, and overburdens the medical system with life-and-death demands for critical emergency care of drug abusers. Congress, reacting to the concerns of an alarmed public to suppress illegal drug trafficking, passed legislation authorizing and facilitating the participation of the Armed Services in a national effort at local, state, and federal levels of government to help suppress the illicit narcotics drug trade.¹ This paper seeks to analyze whether the Department of Defense (DOD) has gone beyond the original intent of Congress as it carries out the guidance and orders of the Secretary of Defense given its response to legislation and National Drug Control Strategy taskings.

This study assumes both the task of understanding the role of the military in the "drug war" and interpreting the Congressional and executive mandates in drug interdiction. The study begins with the history of U.S. involvement in

counternarcotics as directed by Congress, explains its importance to the United States, and draws implications for national security. Additionally it seeks to develop and examine those issues which are central to the policy formulation process as it pertains to the military involvement in the "drug war."

This paper does not attempt to evaluate each Federal drug agency or program in terms of its past performance or to compile a scorecard showing which agencies or programs have produced the most impressive numbers of arrests, or seizures, or reformed addicts. Rather it reviews and assesses the laws and programs in an operational context to see if they are rational, properly targeted, and reasonably structured to achieve their intended purpose. While this type of analysis may not highlight where we have stumbled in the past, it should tell us where to direct our efforts in the future.

BACKGROUND

Drug abuse is one of the most serious and most tragic problems this country faces. Its costs to the nation are staggering: countering narcotics related crime; health care for victims of drugs, including new-born infants; drug program costs and addicts' lost productivity -- these costs soar into the billions of dollars a year. Additionally, the nation bears an incalculable burden in terms of ruined lives, broken homes and divided communities. These words are as true today as they were in 1975, when Vice President Nelson A. Rockefeller described the

problem in a White Paper to President Ford. Vice President Rockefeller further stated: "Winning the war on drugs expressed so eloquently only a few years ago was premature."²

A decade later America is still using the same rhetoric and still losing the "war on drugs." The enemy is your neighbor, the bus driver, your doctor, the college student, the soldier, your own child and several million others. The drug villain has many allies -- everyone who passively accepts this terrible situation. The drug problem exists in this country due to an insatiable demand for drugs. Without the demand, there would not be the constant flood of drugs into this country and the associated violence, crime, illegal profits and corruption.

We have previously waged social wars -- notably the "War on Poverty." In these cases, however, the use of terms such as "war" was clearly metaphorical, a way of uniting and motivating people to support a common cause. The war on drugs is a "war", however, even though some see the use of "war" as an exaggeration. The basic criticism is that, in dealing with complex social or economic problems, pushing the military analogy too far tends to lead to simplistic thinking and calls for excessive governmental intervention. We hear many calls for visible actions and measurable progress. While the original problem may constitute a "threat" to the continued well-being or preeminence of the nation, it soon becomes apparent that countering it with a wartime mentality is difficult to sustain and focus.³

Yet the "war on drugs" constitutes a powerful rhetorical device for mobilizing support for government policies, for justifying budget allocations and, without being cynical, for persuading a frightened, angry and increasingly desperate public that the government can at last take tangible action which will make a significant impact on the problem. The serious policy analyst, however, must look beyond these effects to the larger and longer-term issues. Is the war on drugs really a war? Or is it merely a metaphor crafted primarily for political and propagandistic purposes? If it is a war, who is the enemy? On which ground is the enemy to be engaged? What should our strategy and tactics be? What are our goals? How are we going to measure success or defeat? What is the true intent of Congress concerning the role of the military?⁴

Few would argue with the negative effects of epidemic drug use and widespread trafficking of these drugs: high levels of drug related crime; epidemic levels of violence; corruption of our enforcement agencies, the judiciary and various levels of government; personal suffering and degradation; soaring health costs; adverse impacts on education; lost productivity; distortion of the economy; and the growing power of organized crime. All of these drug-related issues are to some extent undermining our government.⁵

Since fiscal year 1981, federal spending to reduce the supply and use of illegal drugs has increased significantly, to a requested total of \$11.7 billion in fiscal year 1992. Prior to

fiscal year 1989, counter narcotics responsibilities belonged entirely to such law enforcement agencies as the Drug Enforcement Administration (DEA), the United States Customs Service, and the U.S. Coast Guard. Until then, DOD supported law enforcement agencies by providing training, equipment, aircraft, and other assistance that complemented DOD's regular mission. DOD was reluctant to increase its participation in the "war on drugs" due, in part, to the restrictions placed on it by the Posse Comitatus Act of 1878. This legislation, as amended in 1956, prohibits the use of the Army or the Air Force to execute U.S. laws, except as otherwise permitted by the Constitution or an act of Congress. Although the statute does not specifically refer to the Navy and the Marine Corps, DOD has applied similar restrictions to them as a matter of policy. The purpose of the Act is to preclude the use of federal troops in the enforcement of civilian laws, but the Act does not prohibit military assistance to civilian law enforcement.⁶

Even so, the American people continue to place pressure on their legislative representatives. They are demanding action that will bring an end to what President Bush has aptly called the "scourge of drugs." As the lead federal agency for detecting and monitoring aerial and maritime transit of illegal drugs into the United States, DOD has begun to play an essential role in reducing the threat to our nation's future posed by illegal drugs. To properly carry out this mission, the military must understand the legal parameters and Congressional intent.

Curtailling the illegal flow of drugs into the United States is a statutory responsibility of the Customs Service, the Coast Guard, and the DEA. The question is not whether the military is going to do something to stem drug flow into the United States, but how much? What are the legal considerations? How will such activities impact on readiness and costs? A senior Defense Department official summed up the challenge: "Some Pentagon officials see themselves being dragged into an open-ended conflict -- one that could drain military resources already stretched thin by America's commitment to NATO and other U.S. security interests around the world. They worry that the politicians in Washington will be tempted to use the military as a bottomless well of manpower instead of allocating money and people to less dramatic aspects of the struggle against drug use in the United States."⁷

The inevitable result of dealing with social problems in this manner is frustration, confusion, failure and disillusionment. In the case of the drug war, we are faced with a somewhat different application of the military than was true of the "war on poverty" and other wars waged against social ills. The illegal status of some drugs and their danger to our people and our systems pose real threats to national security. A war on drugs was declared because the problem includes a national security threat; thus the military has been committed to the fight. Because of the emotion surrounding the drug issue and its political overtones, even those politicians who may have

misgivings about proposals to use the military are reluctant to speak out too boldly for fear of being branded "soft" on drugs.⁸ Pressure from constituents, Congress, and the Administration "force" action that is not necessarily well directed or productive.

Threat Assessment

In order to gain an appreciation of the military's role in assisting civilian authorities in their drug suppression and interdiction efforts, we must understand the threat created by drug trafficking and abuse. Drug trafficking threatens the United States in three ways: socially, economically, and politically. Drugs pose a threat to the United States through the degrading effect they have on the moral, social and economic well-being of this country. There are four political and military dimensions of the threat; drugs undermine friendly governments important to U.S. security through corruption, intimidation, and economic destabilization; drug profits support insurgencies which further threaten to destabilize these governments; drug related terrorism and crime threatens U.S. officials and citizens; finally, domestic drug use degrades readiness and internal security of the U.S. Armed Forces.⁹

On 8 April 1986, President Reagan signed a National Security Decision Directive (NSDD) on Narcotics and National Security. It assessed the threat from the international narcotics trade and directed specific actions to increase the effectiveness of U.S. counter narcotics efforts. Among the actions directed by the

President were:

- An expanded role for U.S. military forces in supporting counter narcotics efforts.
- Greater participation by the U.S. intelligence community in supporting efforts to counter drug trafficking.
- More assistance to other nations in establishing and implementing their own drug abuse and education programs.

The NSDD on Narcotics and National Security identifies the international drug trade as a national security concern.¹⁰ The Secretary of State has designated control of narcotics production and trafficking a "top priority in our foreign policy."¹¹ From the domestic viewpoint, substance abuse is perceived as "threatening the health and safety of all our citizens." Administration and Congressional concern have thus codified a commitment to action. These directives, pronouncements, and legislative initiatives represent, in part, an effort to define our interest in substance abuse and thus to guide policy formulation.

National Drug Control Strategy (1972-1992)

Current National Drug Control strategy was not the first such effort. The evolution of a national strategy for prevention of drug abuse and drug trafficking has roots back to 1973, when the first Federal Strategy on Drug Abuse was published. Such a strategy was required by The Drug Abuse Office and Treatment Act of 1972; it called for "the development of a comprehensive, coordinated, long term Federal strategy for all drug traffic

prevention functions conducted, sponsored, or supported by any department or agency of the Federal Government." This initial strategy evolved in response to on-going assessment of the problems that drugs pose for society. The initial strategy in 1973 sought to deal with drugs as a public health problem. That perspective evolved to the current view: Drugs constitute a threat to the national security of the United States. Successive Federal Strategies for Drug Abuse and Drug Traffic Prevention were published in 1973-1976 and 1979, by the cabinet-level Strategy Council on Drug Abuse as the national plan for counter drug actions. Strategies between 1976 and 1980 were seen more as a means to appease Congress. The creation of the Office of Drug Abuse Policy in 1976 signified the disgruntlement of Congress over the inconsistencies in federal drug policies and the increase in drug addiction. President-elect Reagan created in November 1980 a Transition Team to chart drug related policies, among which was the war on drugs. This move was particularly popular with Congress. The National Strategy for Prevention of Drug Abuse and Drug Trafficking was again published 20 August 1982 and 10 September 1984, it offered a comprehensive approach to reducing the availability of illicit drugs and a complete assessment of the effects drug abuse have on the individual and society.

The five major elements of the national plan for counterdrug actions since 1984 are:¹²

- International Cooperation to assist other countries in

the development of programs to eradicate illicit drugs and to stop the production and transiting of illegal drugs through their countries.

- Drug Law Enforcement to reduce the availability of illicit drugs in the U.S. through enhanced cooperation among agencies, regulatory changes and increased interdiction and domestic eradication efforts.
- Education and Prevention to discourage drug and alcohol use among school-age children and reduce the demand for illicit drugs in all age groups.
- Detoxification and Treatment to conduct research on the causes and effects of drug abuse and assist in the treatment of drug problems at the local level.
- Research to promote the dissemination of information about drugs for use by health care professionals, researchers, educators and the public.

President Bush published his fourth National Drug Control Strategy January 1992. It is a comprehensive plan for Federal drug control activities for Fiscal Year 1993 and beyond. The principal goals remains unchanged from the previous three strategies:¹³

- Expanded treatment capacity, improved treatment capacity, and more accountability for the use of Federal funds;
- Expanded, education programs, focused on prevention;
- Increased international cooperation to assist in disrupting and destroying international drug trafficking

organizations;

- Aggressive law enforcement in our communities to return control of our streets to law-abiding citizens;
- Increased interdiction efforts along our borders to raise the traffickers' cost of doing business and to disrupt and destroy trafficking organizations;
- Expanded use of the military to support law enforcement agencies in their anti-narcotics activities;
- Expanded drug intelligence to assist anti-narcotics activities at all levels;
- Supply and demand-related research to attempt to stop drugs at their source and to reduce potential users' needs and demands for drugs.

The United States has thus implemented a two-part strategy to achieve the goal of a drug free America. First, it seeks to reduce the demand for illicit drugs to the point that drug abuse is no longer a threat to our society. Second, it seeks to eliminate the supply of drugs that fills the demand. Of central interest for this paper is the military role in this effort, especially how Congressional legislative action has mandated this role. The military has been tasked by presidential directive and supporting legislation to support law enforcement efforts to reduce the supply of illicit drugs. Has the military been employed consistently in accord with this intent in the drug war? Does military support of the law enforcement effort detract from the preparedness of the military to defend this country?

We will now consider those threats that have been the basis for recent proposals to use the military in the drug war, consider the history of military involvement in civilian law enforcement, and determine whether or not military intervention in civilian law enforcement is appropriate.

CONSTITUTIONAL CONSTRAINTS (1770-1879)

The United States Constitution provides both a means of external defense in the form of standing militaries and a means of maintaining internal order through state militia. The drafters of the Constitution clearly intended to constrain the use of federal military forces in civil law enforcement. Thus, our deep national aversion to employing the regular military forces to carry out internal police functions is long-standing.¹⁴

Americans have never been happy with military encroachment into what are normally viewed as civil matters. A historical review of the opposition to military involvement in civilian enforcement in this country provides early dramatic examples of American opposition to use of military forces in the conduct of domestic affairs:

- 1770: Colonists were distraught over the British practice of quartering troops in requisitioned civilian property. Resistance to this practice caused the Boston Massacre.
- Boston Tea Party in 1773: British soldiers were used to suppress civil disorder resulting from American colonists' rebellion against British militia enforcing

import taxes.

- Declaration Of Independence: It cited grievances such as quartering of troops on private property, failure to maintain discipline among those troops and failure to punish them for infractions against civilians, and subordination of the civilian power to the military.

Throughout the Constitutional Convention in 1787, one of the major problems confronting the delegation was how to handle the fear of a standing army. Participants argued for a national force, but they proposed that the Constitution provide for very specific regulations for this force by including in it certain prohibitions, especially a provision that the military would always be subordinate to civil authority. Although these specific measures were not included in the final draft of the Constitution, the records of debates indicate that the drafters were quite concerned about insuring absolute civilian control over the military. Other legislation has supported this principle:¹⁵

- The Judiciary Act of 1789 contained this country's first Posse Comitatus legislation. In specifying the duties of federal marshals, the Act provided, in part, that marshals should have the power to command all necessary assistance in the execution of their duty.

Three years later the Act was amended to authorize the use of the military in various circumstances, for instance to authorize a marshal's posse in execution of civil laws.

- The Act of 1792 authorized the use of militia, not regulars. It made an intentional distinction between the two components.
- The 1860 opinion of the Attorney General stated that a military force could be used internally only as though it were a civilian posse. It held that military power must be kept in strict subordination to the civil authority.
- During the Civil War, the attitude toward using military force to aid civil authority became more liberal until gross abuse precipitated a return to strict prohibition.
- The Reconstruction Act of 1867 implemented the Congressional belief that military rule was necessary in Southern States. From 1866 through 1877, federal troops were used to quell disorders throughout the South.
- Under the 1871 Ku Klux Klan Act, President Grant sent federal troops to South Carolina to apprehend Klansmen.

The desire to restrict the Army's role in civil affairs surfaced with greater intensity during debates on the Army Appropriations Bill for the fiscal year ending June 30, 1879. The House argued that the Army had been improperly used by United States Attorneys, marshals, internal revenue agents, state governors and sheriffs to carry out local laws, control strikes, collect taxes and arrest offenders. From 1871-1875 four companies assisted in the collection of revenues in New York and more than 441 incidents were reported in Kentucky in which soldiers assisted federal and state law enforcement agencies.

Army commanders were dissatisfied with soldiers being used in this manner. It was argued in the House that a large Army was really a request for a national police force. The Appropriations Act was thus amended to include a prohibition against using the Army in a law enforcement role. Thus the indiscriminate use of regular forces in civil affairs then came to a halt.¹⁶

This was also a period in our history during which the United States began to enter multilateral and bilateral international treaties, of central interest for purposes of this discussion were treaties over the trafficking of illicit drugs.

MULTILATERAL TREATIES (1909-1971)

The concerns of the American people over the use of illicit drugs is nothing new. U.S. efforts to suppress production of illicit drugs goes back at least to the Shanghai Treaty of 1909. Believing that the instability of China was caused by the widespread use of opium supplied through much of the 19th century from India by British merchants, the United States sought a treaty system that would require all nations to control the production of opium and its derivatives. Other nations were a great deal less enthusiastic. Nonetheless, by 1913, 34 nations signed a fairly comprehensive agreement later extended, again at U.S. urging, to cover cocaine and marijuana as well. In that more innocent era, there was enough faith in treaties that no program of assistance for enforcing the terms of the treaty in each nation was regarded as necessary.¹⁷ The world-wide control

of narcotic drugs and psychotropic substances rests upon multilateral treaties concluded between 1912 and 1971 (see appendix A).¹⁸ The United States was a signatory to each of these treaties, binding it to adopt appropriate legislation, to observe administrative and enforcement measures and to cooperate with international organizations, as well as other countries.

BILATERAL TREATIES (1971-1980)

The growth of heroin, marijuana, LSD and narcotics use became intertwined with the 1960s "youth culture" and made significant inroads into the lifestyles of all segments of society. No longer content to work through the international treaty system, the United States for the first time began to aggressively seek bilateral agreements, calling for uses of U.S. resources and personnel to strike at production in nations which were deemed particularly prolific sources of drugs consumed in the U.S.

The public and political sentiment of those years is reflected in the titles of major legislation of the period -- almost all of which was enacted during election years:

- 1966 Narcotic Addiction Rehabilitation Act
- 1970 Comprehensive Drug Prevention and Control Act
- 1972 Drug Abuse Office and Treatment Act
- 1974 Alcohol and Drug Abuse Education Act Amendment
- 1974 Narcotic Addict Treatment Act
- 1978 Drug Abuse Prevention and Treatment Amendments

Politicians were capitalizing on the fears and aversions of the general public. In 1972 George McGovern ran for president criticizing the administration hard line rhetoric against crime and drugs -- calling drugs a health problem. Betty Ford compared marijuana experimentation to "your first beer or your first cigarette," and Jimmy Carter referred to drug offenses as "victimless crime."¹⁹

Sufficient progress had been made by late 1973 to prompt President Nixon to make cautious statements about "turning the corner on drug abuse." However, by the summer of 1974, Federal drug abuse program administrators began to realize that conditions were worsening and that the gains of prior years were being eroded. The deteriorating situation was confirmed over the next several months. Thus, by early 1975, the Congress, the press and the public at large were becoming aware of the new and worrisome situation the nation faced. President Ford, in April 1975, called for a thorough appraisal of the nature and extent of drug abuse in America. He directed the Domestic Council, under the leadership of the Vice President, to undertake a priority review of the overall Federal effort in the prevention and treatment of drug abuse.²⁰ The Council strongly endorsed the concept of a Federal program which would balance the effort to control and, ultimately, to reduce the supply of drugs with an effort to control and, ultimately, reduce the demand for drugs. In 1976, Congress passed amendments to the Drug Abuse Office and Treatment Act of 1972 establishing the Office of Drug Abuse

Policy (ODAP). The National Narcotics Intelligence Consumers' Committee (NNICC) was established April 1978. It disclosed the details of the production, routing, and consumption of illegal drugs in the United States. Both Presidential election candidates Jimmy Carter and Ronald Reagan ran in 1980 on a platform promising to take measures to curtail illegal drug usage, if they were elected. Now, late in the twentieth century, we are again contemplating more liberal use of the military in drug law enforcement.

USE OF THE MILITARY IN LAW ENFORCEMENT

Concern for the traditional separation of civil and military spheres and our commitment to national treaties offers a better understanding of military limitations when employed in a law enforcement role. Here are some of the proposed uses:²¹

- To augment local law enforcement agencies in the policing of extremely violent and crime-ridden urban areas where drug dealing is a major factor in maintaining law and order.
- To augment law enforcement agencies along U.S. borders, assist the U.S. Customs Service in searching a higher percentage of containerized freight or the U.S. Border Patrol in patrolling border areas.
- To provide personnel, equipment, and expertise to law enforcement agencies involved in interdiction at or outside U.S. borders.

- To act as a military force overseas, either unilaterally or bilaterally, to destroy illegal drug crops or processing facilities.

There has been vigorous debate about the desirability and utility of a wide range of military contributions which have been suggested within these categories. The primary concern, both within and outside the Defense Department, has been to ensure that the traditional separation between the civil and military spheres is maintained, especially to ensure that the military does not become involved too deeply in domestic law enforcement.

President Bush has stated that success against drug smuggling is intimately tied to the continuation of freedom and democracy in this hemisphere. International drug traffickers pose a threat to the national security of the United States because they are conducting a direct attack on the physical and social health of the American way of life. However, drugs in America are not made available so much as a result of a supply push as they are in response to demand pull. Demand is high, profits are lucrative, and risks for organized criminal suppliers are relatively low. The United States will not stop drug trafficking until U.S. society figures out how to stop the soaring demand for drugs at home. Whereas our military may be able to attack the supply side of the problem, it can be of very little use (other than providing an abiding example of saying "no" to drugs) in the critical matter of demand. Moreover, if we rashly use the military in contradiction to our long-standing

aversion to involving it in law enforcement, we will inadvertently be allowing drugs to score a victory against one of our cherished democratic principles!

CONGRESSIONAL PRESSURE FOR DOD INVOLVEMENT (1981)

Prior to 1981 DOD had no published strategy except those internal to the services. The "youth culture" of the 1960s led to DOD drug testing for marijuana, LSD and heroin. During 1981, the level of defense spending began to rise rapidly under the Reagan Administration. Congress saw this as an opportunity to legislate that some of this money should go for efforts to combat illegal drug trafficking. Tolerance of the 1970s had turned to impatience in the 1980s. Politicians were feeling the pressure from voting constituents for action. Nancy Reagan's public campaign used the phrase "just say no" to persuade kids to avoid drugs, and Jesse Jackson's political campaigns contained tough anti-drug rhetoric.

There is little doubt that there had been a shift in drug usage that had caught the attention of the public. While marijuana, LSD, PCP, heroin and amphetamines presented a problem, cocaine and the evolution of designer drugs had panicked the public.

In December 1981, Congress, under public pressure for swift action, enacted amendments to 10 USC Statute 371-378 (Public Law 97-86), thereby permitting limited DOD assets to be made available within designated constraints. This amendment

authorized a greater range of assistance to civilian law enforcement agencies; it also clarified the type of support the military may provide.

Following pressure both to clarify and enhance the participation of the military in the drug war, Congress in 1981 amended the Posse Comitatus Act to expand the Department of Defense's authority to support drug law enforcement agencies. Five key stipulations were designated: (1) The military could loan equipment, facilities and people to law enforcement agencies. (2) Military personnel could operate military equipment used in monitoring and communicating the movement of air and sea traffic. (3) Military personnel could operate military equipment in support of law enforcement agencies in an interdiction role overseas if they were supported by a joint declaration of emergency. (4) The military could not conduct search, arrest, seizure, or other similar activities, unless authorized by law. (5) Use of the military could not affect readiness.

"Posse Comitatus" was once again set forth in the U.S. Code of Federal Regulations, but it could be modified at the will of Congress. "Posse Comitatus" does not restrict the U.S. Navy, the state-controlled National Guard, or the activities of any military service outside the United States. The provisions of the Act apply to active duty personnel, but not to retired personnel. It applies only to the United States Army Reserve while on active duty. It applies to Army National Guard only on

federal, not state, active duty. It does not apply to civilians employed by the Army. All of these limitations have enabled the Department of Defense to keep our military mostly removed from the "war on drugs." DOD reluctance may, in the final analysis, have been more motivated by a desire to avoid responsibility for failure in this war than by an obligation to play by the rules.

The military has generally resisted such calls, citing Posse Comitatus, force structure limitations, and the degradation of training and readiness which would inevitably result. However, as the pressure from lawmakers and the citizenry have increased, these reservations have not sufficed to keep the military out of the situation. Congressional lawmakers rationalized that when the United States is engaged in a very real war on its borders, the military cannot justify refusal or reluctance to participate on the ground that they must stand ready for a major conflict that few Americans believe will eventuate. By the close of 1981, it was clear that Congress was militarily oriented in its direction and looking for an early dividend from the war chest of DOD budget increases in the early 1980s.

LIMITED DOD INVOLVEMENT (1981-1985)

1981 saw a change from little or no DOD counternarcotic drug involvement to a mandate for more DOD activity as a result of campaign promises, popular concern, and an increased DOD budget. Then Congress passed PL 97-86 (Department of Defense Authorization Act, 1982), which called for greater DOD

involvement in the drug war. Even so, between 1981 and 1985 DOD participation remained small. Secretary of Defense Casper Weinberger described military training and temporary loan of equipment on an as available basis against narcotics as "very dangerous and undesirable." If anyone doubts DOD's position at the time, he need only to refer to Defense Secretary Carlucci's 15 June 1988 testimony before the Senate Armed Services Committee: "The Department of Defense will continue its active support to the drug law enforcement agencies. The activity should remain in a support mode, and not as a lead agency. I remain absolutely opposed to the assignment of a law enforcement mission to the Department of Defense. I am even more firmly opposed to any relaxation of the Posse Comitatus restriction of the use of the military to search, seize, and arrest."²²

The review of U.S. tradition on the use of the military in drug enforcement makes it clear that there is significant opposition to any wide-scale military involvement in anything but a supporting role to law enforcement agencies. The primary opposition comes from within the Department of Defense. This opposition undoubtedly annoys a number of politicians. Objections put forward by those opposing extensive use of the military in drug control include the following:²³

FINANCIAL CONCERNS: The amount of money spent by DOD represents only a small portion of the total defense budget. Nonetheless, large interdiction exercises such as Operation Blast Furnace may very well be too

expensive in comparison to their payoff.

PERSONNEL ISSUES: Soldiers involved directly in search, seizure and arrest may be required to appear in court during an offender's trial. Such demands on soldiers' time could seriously disrupt normal unit training.

TRAINING IMPLICATIONS: Some tasks, particularly in the surveillance area, have training value. But the majority of drug enforcement activities do not exercise all relevant skills needed for personnel proficiency.

PUBLIC RELATIONS: Public perception of the involvement of the military in the drug war could turn negative. Soldiers could be regarded as "narcs" -- not proficient warriors.

IMPACT ON CIVIL AND MILITARY RELATIONS: Successive Secretaries of Defense, while offering a supporting role in assisting law enforcement agencies, have stressed the separation of military and civilian authority and resisted any significant relaxation of the Posse Comitatus Act. They see using the military in this role as undemocratic, as more characteristic of a military dictatorship.

CORRUPTION: The incredible amounts of money and material items available for bribery pose the potential to corrupt armed forces personnel. Likewise confiscation of drugs has all too often proven to be yet another means of distributing them.

IMPACT ON MILITARY READINESS: The extent to which equipment may be diverted from military use may adversely affect the ability of Department of Defense to carry out its mission of national security.

INHERENT LIMITATIONS OF INTERDICTION: Due to the global drug market and the number of places for growing drugs, traffickers have an increasing ability to recover losses. Thus long-term impacts of interdiction may be only minimal.

This analysis does not rule out the applicability of some military involvement. Public Law 97-86 authorizes limited DOD assets to be made available in a support role to law enforcement agencies, equipment otherwise too costly or sophisticated to operate. The military is also best suited to provide aerial, maritime, ship and aircraft surveillance and to provide intelligence and communications support to help improve law enforcement effectiveness. The National Guard in particular, as a state asset to the Governor, is also available to local law enforcement as long as it does not detract from training for wartime missions. Thus the military can provide needed support so that civilian law enforcement agencies can make necessary arrests, searches, and seizures without compromising the traditional separation of the military from civilian activities.

Despite these observations on using the military in the war on drugs, legislation passed in 1981 significantly increased support to law enforcement agencies. This has created a trend of

significant DOD support to law enforcement agencies.

NATIONAL SECURITY DIRECTIVE (1986)

The military reemphasized its support to law enforcement agencies in 1986 through four primary actions. First, 8 April 1986, President Reagan signed the National Security Decision Directive (NSDD) declaring drugs a serious threat to national security. It expanded the role of the military in supporting counter-narcotics efforts and directed greater participation of the U.S. intelligence community in supporting efforts to counter drug trafficking.

Second, on 11 April 1986 President Reagan signed the National Security Decision Directive on Narcotics and National Security requiring a review of a country's counterdrug record prior to approval of any foreign aide. It also directed that DOD place more emphasis on illicit drug trafficking as a national security issue in dealing with foreign powers.

Third, in July 1986, the Pentagon, in the first publicized employment of a U.S. Army combat force, sent active duty Army soldiers to a foreign country (Bolivia) under the direction of DEA. Operation Blast Furnace, as it was called, was designed to interrupt the production of cocaine. The force was extended an additional 60 days for a total of four months. They returned home proud, having completed a difficult mission successfully.²⁴

These activities comprised a short-term political statement that appeased voters and offered breathing room for politicians.

The American people were concerned about the increasing incidents of drug abuse and the corrupting effects drugs were having on society. DOD was concerned over the use of active duty soldiers to eradicate drugs in a foreign country. In the meantime two cocaine deaths had raised public attention: Len Bias, a 22 year old University of Maryland basketball star, and football star Don Rogers from the Cleveland Browns died from overdoses. There were clear signs that the public was becoming intolerant. Thus a fourth measure was completed by summer 1986. Several House and Senate resolutions had been proposed and were working within various committees. One of these was the Anti-Drug Abuse Act; it considerably enhanced federal, state, and local drug abuse prevention and treatment efforts. The act also authorized appropriations to DOD for enhanced support of drug interdiction activities and provided for greater Naval assistance to the Coast Guard in conducting its drug interdiction mission.

Congressional Action

On 8 September 1986, Majority Leader Jim Wright (D-TX), introduced the "Omnibus Drug Enforcement, Education, and Control Act of 1986," or H.R. 5484. The purpose of the Act was "to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic; to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments; to provide strong Federal leadership in establishing effective drug abuse prevention and education programs; and to expand federal support for drug abuse

treatment and rehabilitation efforts."

Representative Duncan L. Hunter (R-CA) and Representative Tommy F. Robinson (D-AK) proposed an amendment greatly expanding use of U.S. Armed Forces in the interdiction of illegal drug traffic. The amendment said that the President, within 30 days after enactment of the act, shall deploy sufficient resources, radars, and aircraft to interdict aircraft penetrating American borders and that the military shall have the right to arrest when in hot pursuit. Hunter argued this would not be a drastic change; the military has jurisdiction by altitude now. If a plane comes in over 10,000 feet, military aircraft are authorized to intercept it. The final House vote approved the amendment 237-177. But it failed in the Senate 72-14. Even though the law did not pass, it demonstrated the attitude of Congress and its desire for military participation in the drug war.

Senator Paula Hawkins (R-FL) made a trip to Guantanamo Bay in Cuba with the commander of the Coast Guard to inspect a vessel seized in "Operation Hat Trick." After looking inside the shrimp boat, Hawkins said that the bridge looked like the control tower at Miami International Airport. She stated she needed no more glaring evidence than that to see that we are in a drug war. Hawkins noted the Pentagon continues to assert that it has little or no role in this war. She found this not an acceptable answer. She stated Congress did not go to the trouble of amending the Posse Comitatus just to have its wishes ignored.

So the message was clear in 1986. The military felt it did

not have a major role to play. But Congressional and Executive leaders were receiving pressure during an election year to use the military to stop the flow of drugs. The majority of Congressional leaders felt the military should play a useful role but could not come to a consensus on an appropriate level of military participation. Even after declaring a war on drugs, clear and direct guidance could not be offered to the military. Thus the Secretary of Defense wallowed in a quandary of interpretations. Congress wanted a war on drugs but had not conceptualized a plan. Both Operation Blast Furnace and President Reagan's signing into law NSDD were strong signs of the Administrations commitment. However, at the same time DOD was being told to cut \$30 billion and to reduce its force structure. The military was still insisting on only a support role. Congress on the other hand was pressured to meet the desires of its constituents by calling on the economic, diplomatic and military instruments of the U.S. to carry out national strategy for a drug free society.

NATIONAL DEFENSE AUTHORIZATIONS (1988)

By 1988 it had become evident that Congress had placed the administration and DOD in a reactive mode. Disgruntled over DOD reluctance to commit itself to the drug war, Congress was on a collision course to specifically direct DOD involvement and to establish a "Drug Czar" to bring together the multitude of federal agencies participating in the drug war. This was not a

new revelation nor a hasty decision. Congress had been easing DOD's participation since the 1981 amendment to the Posse Comitatus Act, which permitted the military to play a larger role in counternarcotic efforts. It authorized the 1986 use of active duty soldiers on foreign soil to interrupt the production of cocaine. Further, the 1986 Anti-Drug Abuse Act and rising defense spending set forth a requirement for the military to participate further in drug trafficking. Congress had taken the initiative and placed the armed forces in a position to provide military assistance in almost any area of civilian drug law enforcement with the exception of arrests, seizure of materials and apprehension.

Congress continued to push DOD's involvement. In August 1988 DOD committed National Guard units from California, Texas, New Mexico and Arizona to work with U.S. Customs Service. They would inspect containers/vehicles passing through boarder ports of entry, eradicate marijuana fields, and provide helicopter lifts for law-enforcement agencies.²⁵

FY 89 National Defense Authorization Act

29 September 1988 the President signed into law the DOD's Fiscal Year 89 National Defense Authorization Act. This designated DOD the single lead agency of the Federal Government for detection and monitoring of aerial and maritime transit of illegal drugs into the United States. The Act also provided a loophole for the Department of Defense: It stated that not later than 15 days after enactment of this Act, the President could

designate an agency other than the Department of Defense as the single lead agency.²⁶ Under this Act, military support for drug interdiction included providing operations and intelligence information, the continued use of military equipment and facilities, specialized training for civilian law enforcement personnel and the continued presence of coast Guard teams on Navy Ships to assist in arrest at sea.

Congress then further increased DOD involvement: the Secretary of Defense was required to ensure that civilian law enforcement officials would be promptly provided with drug-related intelligence information collected by the military. DOD was expected to take prompt action by providing detection and monitoring capabilities in border areas considered primary points of entry by drug smugglers. Congress wanted DOD to focus on the southern border of the U.S. as the greatest threat.

The National Defense Authorization Act represented a major congressional decision. The establishment of an air and sea surveillance mission and designation of DOD as the single lead agency represented a major new military requirement. It is important to understand these decisions and place the military's expanded role in perspective. Had Congress grown weary with DOD's position of support only? Was an interdiction mission an unwinnable mission, simply rhetoric toward the military to appease voters demanding action?

Interdiction is not the most cost-effective component of a drug reduction strategy, according to the Comptroller General in

testimony before the Senate Armed Services Committee. He reported that by 1987 the federal government was spending three times more on supply reduction than on demand reduction. In short, although we have been spending more federal dollars on interdiction, the drug problem has been growing by leaps and bounds. A report completed in 1987 by the Rand Corporation also concluded that increased expenditures for drug interdiction would have a negligible effect on drug consumption.²⁷ While interdiction mostly remains a necessary component of any national anti-drug strategy, it appears Congress was reconsidering past federal emphases on interdiction and other supply side effects and was considering developing a program more oriented toward reducing demand. Even so, Congress encouraged an expanded military support for drug interdiction.

Anti Drug Act of 1988

The Anti-Drug Act of 1988, PL 100-690, was passed into law 18 November 1988. It established the Office of National Drug Control Policy in the Executive Office of The President. The Act created a "Drug Czar" with extensive powers to coordinate U.S. drug control and abuse policy, resources and operations. The law dismantled the Vice President's National Narcotics Border Interdiction System. The law also specified that the Drug Czar would not hold another administrative position. William Bennett was confirmed on 8 March 1989 for this position.

The Anti Drug Act of 1988, in contrast to the National Defense Authorization Act, centered more on demand reduction than

interdiction. It earmarked 50 percent of federal funding in FY 1989 for domestic programs. The law called for the death penalty for those convicted in federal courts of drug-related killings; a \$10,000 civil fine for those caught with even small amounts of drugs; denial of certain federal benefits to convicted drug offenders; provisions to reduce money laundering; and authorizations of an additional \$484.8 million above the appropriated \$4 billion for drug-abuse education programs and random drug-testing for transportation workers. While the Act focused on demand reduction, it also continued to underwrite the supply side approach, expanding crop eradication and substitution in source countries.

Both the National Defense Authorization Act and the Anti-Drug Act of 1988 came on the heels of a blistering debate in Congress, which illustrated the discontent and push pull attitude that existed between Congress and DOD. Defense Secretary Weinberger had emphasized that even the loan of military equipment was "very dangerous and undesirable." On 18 March 1987, Major General Stephen G. Olmstead, USMC, Deputy Assistant Secretary of Defense for Drug Policy and Enforcement/Director of DOD Task Force on Drug Enforcement testified before the House of Representatives Select Committee on Narcotics Abuse and Control. The Honorable Charles B. Rangel presided.

Mr. Rangel emphasized that Customs and the Coast Guard had been doing the best they could. But nothing was going to change. The responsibility remains in the hands of DOD -- which was

restricted by the Constitution and law. Rangel asked the hard questions:

"But what is the plan? Why don't we hear from the Secretary of Defense? Does he think that this is a serious threat to our National Security? The President is the Commander in Chief. We found some place in some document, what was it -- in The National Security Directive, that the President said that drugs are a threat to our National Security. Now when the Commander in Chief says it, I don't expect response from Customs or response from Coast Guard. I want to hear "Who's in charge?" "This is not really National Security." But from a military point of view, I want to hear what is the strategy?"²⁸

Mr. Rangel went on to say that the military in times of war could give a body count but in a war on drugs they can't give seizures or arrests, which would be tantamount to the military commitment. He went on to say:

"You may say that's not your responsibility. But that is the instructions of our National Security. And if you're doing a great job but it's not improving, if it's not making us less vulnerable, then I think what we ought to do is to re-examine the strategy."²⁹

This heated debate seemed to reconfirm the fears of many within DOD that the military would end up as a Congressional scapegoat in an unwinnable war. Additionally it reinforced a mind set characterized by an emphasis on supply side strategies, placing the blame on other countries and now on the military.

Congress tightened its ability to monitor DOD. The National Defense Authorization Act for Fiscal Year 1988 and 1989 required DOD to report annually to Congress. It would list assistance and equipment it proposed to make available to civil drug law

enforcement agencies and provide a plan for promptly providing assistance to these agencies.

EXECUTIVE AND ADMINISTRATION GUIDANCE (1989-1992)

Fiscal Year 1988 ended in turbulence. The 1989 Defense Authorization Bill was to have a drastic effect on DOD's involvement in drug interdiction and law enforcement support. Positions in Congress ranged from those advocating total abolition of the Posse Comitatus Act, to call for sealing off National borders, to urging for no military involvement at all. One Consensus stood out among Congress: DOD must assume a greater role in the war on drugs. Defense Secretary Carlucci continued to hold firm on his belief that DOD should remain in a support role, and not serve as a lead agency. The election of George Bush to the presidency in January 1989 as brought with it a belief among many that he would place a high priority on the demand side. But in fact new legislation did not abandon the supply side; rather it extended it in some areas, while incorporating new demand reduction programs.

On 5 September 1989, President Bush issued the National Drug Control Strategy pursuant to the Anti-Drug Abuse Act of 1988. The President's strategy provided for an integrated program of counter narcotics actions designed to move the country substantially closer to the goal of a drug-free America. This guidance was designed to facilitate the swift and effective implementation of the President's strategy within the Department

of Defense. DOD guidance for implementation of the President's National Drug Control Strategy sought to affect the flow of illegal drugs at every phase of the traffic: (1) In the countries that are the sources of the drugs, (2) in transit from the source countries to the United States, and (3) in distribution in the United States.³⁰ These areas were to become "lines in the sand" for a new Secretary of Defense, former Congressman Richard Cheney.

Secretary of Defense Guidance

In September 1989 Secretary of Defense Cheney emphasized that DOD would do more to contribute to the drug strategy: "The Department of Defense is an enthusiastic participant in the nation's drug control effort. We have significant resources at our disposal. We can make a substantial contribution to our national effort if we use our assets intelligently and efficiently."³¹ He emphasized that detecting and countering the production and trafficking of illegal drugs was a "high-priority, national security mission."

This represented a major departure from former Defense Secretary Weinberger's and Carlucci's views of limited military involvement. Secretary Cheney made it clear that he had drawn three lines in the sand: First, we would "target" countries that are the source of illegal drugs -- countries where plants are grown and raw materials are converted into drugs. Second, we would disrupt transit from source countries; we would guard borders and ports of entry to stop the delivery of drugs to the

United States and to complicate the challenge of getting illegal drugs into the nation. Thereby we would increase the costs and risks to traffickers. Third, we would prohibit distribution within our own borders. The Secretary thus advocated the use of both active duty and National Guard soldiers to assist law enforcement agencies with training, planning and logistics.³²

Secretary Cheney also directed the commanders in chief of the unified and specified commands (CINCs) to develop plans for carrying out this three-fold mission. The Chairman, Joint Chiefs of Staff, developed a plan for the detection and monitoring mission through five CINC organizations -- U.S. Atlantic Command (USCINCLANT), U.S. Pacific Command (USCINCPAC), Forces Command (CINCFOR), U.S. Southern Command (USCINCSO), and North America Aerospace Defense Command (CINCNORAD).

The CINCs have cooperated with DOD in a push pull relationship giving high priority to the mission and applying significant resources to organize the effort. USCINCLANT, USCINCPAC, and CINCFOR established subordinate JTFs (4, 5, and 6 respectively) as the organizational structures to carry out activities in support of drug interdiction. CINCNORAD and USCINCSO merged their detection and monitoring responsibilities into their existing organizations. Secretary Cheney reconfirmed his intention to provide intelligence, planning, communications support, loan of DOD equipment and the use of DOD personnel to assist drug law enforcement agencies on a full time basis. This policy represented a reversal from the Defense Department's

previous unwillingness to risk significant involvement in the drug war.

The Secretary of Defense, in response to the President's National Drug Control Strategy, directed the involvement of the CINCs. But, had the Secretary of Defense gone beyond the intent of Congress? Clearly Congress had indicated its displeasure with Pentagon "foot-dragging". Congress passed legislation that eased restrictions on military involvement imposed by Posse Comitatus, and the Fiscal Year 1989 National Defense Authorization Act designated the Defense Department as the single lead agency for detecting and monitoring of illegal drug trafficking. The end of the Cold War, disintegration of the Soviet Union and other events in the world have reduced the military threat and led to Congressionally mandated cuts in defense. Thus the Pentagon may well have become more receptive to some new mission. Representative Jack Davis of Illinois declared, "When you have a war, who do you call in?...You call the military."³³ Was the Pentagon more ready to respond?

This expansion of military involvement was further hastened through Congressional and Administration actions that if not directly, certainly indirectly, demonstrated approval for the military to take bold action to demonstrate U.S. resolve in the drug war to reduce supply and demand. First, the U.S. Attorney General, based on a 3 November 1989 legal opinion requested by the White House and issued by the Justice Department's Office of Legal Counsel, substantially expanded the Pentagon's role in the

drug war. The Justice Department ruling, entitled "The Extraterritorial Effect of the Posse Comitatus Act," concludes that the Posse Comitatus Act does not apply outside U.S. borders. If authorized, such units as the Delta hostage rescue team, Green Berets or other Special Forces could be used to apprehend accused international drug traffickers.³⁴ Even though this is only a legal determination, it reflected a change of policy that may affect the future drug interdiction role. This raises new questions about the scope of the Department of Defense's authority. Previously, actions of this nature were seen as civil matters and left to the U.S. Marshals Service and the FBI. This also demonstrates how laws may be changed or interpreted in the future to facilitate even greater use of the military to fight drug trafficking. Second, the President's Andean Strategy was designed to disrupt and destroy the growth, processing and transportation of coca and coca products within the countries of Columbia, Bolivia and Peru. Congress wanted to increase pressure on Latin America for greater participation in the elimination of drug trafficking region wide. Third, Congress passed the International Drug Control Act of 1989 authorizing fiscal year 1990 appropriations of \$115 million for international narcotics control assistance and an additional \$125 million for military and law enforcement assistance to Colombia, Peru and Bolivia.

Together, these three actions have given DOD and its newly organized Joint Task Forces the nod of approval for an expanded military anti-drug role. Operation Just Cause, 20 December 1989,

and the aborted deployment of a carrier task force to Colombia, 15 January 1990, were thus far the most significant examples of this expanded role. Through the 1989 National Defense Authorization Act, did Congress intend to authorize such overt and massive use of military resources in the drug war?

The Andean Strategy

International drug trafficking poses a serious national security issue, as we have observed. The traffic and international criminal organizations that control it pose a grave threat to our society; they also destabilize and corrupt the producing and trafficking nations. Our national leadership has set forth a counter-narcotics strategy which provides guidance, both domestic and international. The Andean strategy is one such measure Congress and the President implemented on 8 August 1989 to reduce the flow of drugs into the United States from the Andean countries of Colombia, Peru, and Bolivia. The President's overall strategy provides for an integrated program of counternarcotics actions to move the United States substantially closer to his vision of a drug free America.³⁵

Suppression of illicit drug trafficking in source and transit countries in the Americas has been an important part of the United States war on drugs. In September 1989, the President's National Drug Control Strategy directed that a 5 year, \$2.2 billion counternarcotics effort begin in FY 1990 to facilitate the Andean countries to transition away from coca cultivation and trafficking and to augment law enforcement,

military and economic resources in the Andes. This would coincide with Colombian President Virgilio Barco's 18 August announcement of a "total" war against Colombia's drug cartels." The Andean cocaine-producing countries were now the first "front" in the U.S. drug war abroad.

The first "front" is a result of President Bush's May 1988 campaign speech during which he stated, "The cheapest and safest way to eradicate narcotics is to destroy them at their source." However, we should remind ourselves that we are asking the Andean countries to make our war on drugs their war; fragile democracies with a dismal track record of enforcement of American economic assistance efforts, violence and human rights abuse. Countries that have seen "total war" declared by the Medellin drug cartel in 1989, resulting in the deaths of more than 400 police officers, 100 judges and judicial assistants and 11 journalist.³⁶ They represent long-improvised nations suffering from high unemployment, enormous foreign debts and failing wages. Both Peru and Bolivia are experiencing the worst economic crises in their histories. Elimination of the Bolivia coca industry would equate to the layoff of 50 million American workers.³⁷

Certainly Andean governments share an interest in receiving U.S. aid and support, offering millions of dollars in return for promises to fight the drug war. But the track record of sincere commitment to the U.S. drug war suggests that only the economic and counterinsurgency interest will be actively pursued.³⁸

The U.S. has shifted its previous drug strategy to include a

dramatic increase in militarization. Separate military assistance pacts have been signed with Bolivia, Colombia, and Peru assigning each a lead role to their respective militaries to help fight the war on drugs. DOD has responded by sending American advisers to the region. In Peru this is directed toward the U.S. supporting counterinsurgency against guerrillas impeding drug enforcement efforts.

The Andean Strategy has three major objectives: First, to strengthen the political will and institutional capabilities of Colombia, Bolivia and Peru; second, to provide air mobility for both military and police forces and to equip and train them for cooperation in an integrated strategy; third, to inflict significant damage on the trafficking organizations by working with host governments to dismantle operations and seize the property of trafficking organizations.³⁹ The cost of drug trafficking to the Andean nations is high in terms of lives and disruptive effects on the economy. Countering this traffic would require economic and technical support, primarily in the way of free trade and open markets, if this source were to be successfully eliminated.

The financial resources of the narcotics traffickers enable them to hire private armies and terrorists on a national and international scale. Their ability to buy manpower and equipment surpasses the national police capability and, in some cases, calls into question even the military's ability to respond effectively. These capabilities permit the traffickers to

challenge or defy the sovereignty of local governments. Drug trafficking is accelerated by large sums of money. Larger cartels are well armed, organized and ruthless. To the poor they are "Robin Hoods" offering money, food and housing. Through threats and bribery, cartels continue to corrupt government officials and law enforcement agencies.

The Bush administration's response has been one of reinforcement as opposed to reassessment, despite the dismal supply-reduction failures, human rights violations and corruption. The president's Andean initiatives as the first "front" provides unprecedented levels of U.S. aid for Bolivia, Colombia and Peru. This interprets past failures as a consequence of inadequate funding and political will.⁴⁰ This was in contrast to the Reagan Administration's method of dealing with the drug war. The Andean supply side efforts have not lowered the demand for drugs at home. The present Andean supply side reduction policy defies market logic and rational interest of local governments. Consider the market from the Andes peasant's perspective: Coca crop accounts for 15-20 percent of employment, pays many times the price of competing crops, is easy to harvest, and requires little or no transport to market. No single crop can approach the returns coca production offers.⁴¹

Conservatives debate that greater spending on enforcement and increased militarization is required. More moderates insist that continued economic development, crop substitution and technical assistance would be more effective and less destructive

to human life. The Administration will spend \$500 million on the Andean strategy in fiscal year 1992, \$214 million for law enforcement and security assistance and \$285 million in economic assistance. The Andean region has replaced Central America as the leading recipient of U.S. military aid in the hemisphere. The assistance is aimed at strengthening and diversifying their legitimate economies to help overcome the destabilizing effects of eliminating cocaine. As counter-drug efforts take effect in the Andean countries, drug enforcers increasingly find they are squeezing a balloon, successful enforcement in one area causes an even creates incentives for growing and processing to pop up elsewhere.⁴² The concern is that such operations may relocate to coca source countries such as Ecuador, Brazil and Venezuela. Mexico and the Bahamas could then become transit countries.⁴³

The International Drug Control Act of 1989

On 13 December 1989, President Bush signed into law the International Drug Control Act of 1989. The Act authorized fiscal year 1990 appropriations to Colombia, Peru, and Bolivia. The assistance to the three Andean nations, where most of the world's cocaine is produced, was designed to help reduce the flow of illegal drugs into the United States. The bill was introduced 8 November 1989 by Hon. Dante B. Fascell, (D-FL). As he introduced the bill, Senator Fascell told the House that the proposed legislation would not solve America's drug problem, which could only be solved at home. But it would provide some necessary tools to assist in our efforts overseas.

The Act's three main provisions were, first, to authorize funds for crop substitution and eradication; second, to authorize military and law enforcement assistance to the Andean countries; and lastly, to authorize the President to transfer excess defense articles to countries for antinarcotics purposes.

The International Drug Control Act has strengthened the Department of Defense's ability to intercept, disrupt, and destroy illegal drugs, thereby preventing a significant amount from reaching the United States. Although costly and difficult, these efforts demonstrate our national will to oppose drug traffickers. The officially stated objective of the strategy is to raise the level of risk in smuggling and to deter future smuggling and encourage existing traffickers to cease operations.

Operation Just Cause

In his 5 September 1989 address to the nation on National Drug Control Strategy, president Bush stated our message to the drug cartel: the rules have changed. We will help any government that wants our help. When requested, we will make available the resources of America's Armed Forces. We will intensify our efforts against drug smugglers on the high seas, in international airspace and at our borders.

On 20 December 1989, President Bush followed through with his warning and sent American soldiers into Panama to topple General Manuel Noreiga's government and return him to the United States for trial on money laundering and drug trafficking. "Just Cause" was second only to Desert Storm as the largest U.S.

military airlift since Vietnam. The official military objective was to destroy the Panamanian Defense Forces, Noriega's personal police force, and to install the official civil government of Guillermo Endara, who won a free election in May 1989.⁴⁴

Many Americans supported President Bush's use of American armed forces against Noriega. Even so, President Bush had stated it would not be prudent use of the military, that he would prefer to use diplomatic pressure. President Bush also stated he would never "bargain with drug dealers." However, U.S. officials under the Reagan Administration met twice with Noriega's representatives to negotiate his relinquishment of power and to allow him to move to another country in exchange for U.S. promise not to extradite. Such a drastic change in policy from negotiations to military invasion demonstrates the increasing public demand for Congress, the President and the military to do more to curb this countries drug problem. American casualties in Just Cause were relatively small: 23 service members killed in the first three days and about 200 wounded. Yet such a price underscores a new determination to expand the U.S. military involvement in the drug war.

U.S. Aircraft Carrier Deploys to Colombia

The enthusiasm for enlisting the aide of the military in the escalating war against drugs grew even more with the Administration's decision to deploy the aircraft carrier John F. Kennedy to Colombia to detect drug-running planes and boats. The action triggered an outcry of condemnation throughout Latin

America, which was already upset over the 20 December 1989 U.S. led invasion of Panama just three weeks prior.⁴⁵ The deployment was aborted after President Bush telephoned Colombian President Virgilo Barco to apologize for the "misunderstanding." This demonstrates the political sensitivity under which the Administration and military must conduct interdiction of drugs. To demonstrate U.S. desire to maintain good relations over drug related issues, President Bush reaffirmed his decision to attend the 15 February 1990 Andean Drug Summit. Peru's President, Alan Garcia, stated he would boycott the meeting to protest U.S. "occupation of Panama". To appease Garcia, President Bush announced that the U.S. would start withdrawing forces prior to the Andean Summit.

The deployment of a carrier task-force is just one of several DOD proposals to expand the military anti-drug role. Among others are: Mobile ground radar stations in Bolivia, Peru and Colombia; increased Special Operations Forces training of local anti-drug teams; Air Force AWACS planes to patrol drug routes; and U.S. ground forces exercises on the U.S. side of the Mexican border to intimidate traffickers.

Other Initiatives

On 22 January 1990, Secretary of Defense Cheney approved five additional initiatives designed to broaden the Department of Defense support of the National Drug Control Strategy:

- He detailed 275 military personnel to federal drug law enforcement agencies and the Office of National Drug Control

Policy to perform liaison, training and planning functions.

- He authorized military personnel to provide specialized training for future supervisory personnel in state and local rehabilitation-oriented training camps for first time offenders.
- He authorized training of drug law enforcement agency personnel in languages, planning skills, logistics, communications, tactics, equipment operations and maintenance and intelligence.
- He expanded the use of military dogs and handlers to support the inspection by drug law enforcement agencies of cargo arriving in the United States by aerial and maritime transportation.
- He directed the establishment of four regional logistical support offices to coordinate the response of the DOD to the requests of federal, state and local drug enforcement agencies for non-operational equipment support.

Thus executive, legislative and DOD decisions underwrite a "supply side" approach for the military in the war on drugs. Senator Carl Levin (D-MI) announced during Congressional hearings that use of the military carries a price per bust of \$350,000 to \$450,000 for the Air Force and \$2 million per drug seizure and \$360,000 per arrest for the Navy. Consider as well the cost of "Just Cause" and the 5 year, \$2 billion Andean Strategy. Such expenditures underscore the necessity to place

more emphasis on demand reduction programs in the United States. Drugs are easy to conceal. The entire U.S. cocaine market could be supplied for one year by one fully loaded cargo plane. The assets of the drug dealers are so vast that interdiction losses are negligible. Dealers have access to more means of transport than police have the means to stop them.⁴⁶

The 1990's have left the United States as the world's only major power. This responsibility brings with it an ever-increasing demand for U.S. aid. Due to our own recession and a surging protectionist sentiment in the U.S., the Administration may find it difficult to continue the high-cost/small-return effort associated with the supply side approach to military involvement. During the Cartagena Summit in January 1992, leaders from Colombia, Peru, Bolivia, Ecuador, Venezuela and Mexico indicated they may well seek supply side progress to parallel U.S. progress on the demand side.⁴⁷

Perhaps what is needed most is a regional approach against drug trafficking. That is not to suggest that America's drug problem is for Latin America to solve. Tremendous gains have been made over recent years in Mexico, working with U.S. Customs, to halt production and trafficking of marijuana and heroin into the United States. The desires of the democratic countries of Latin America to control their own destiny, to install legitimate governments and to foster prosperous economies offers an opportunity to form a regional coalition, as opposed the U.S. going it alone. Such a program would allow not only the U.S. but

Europe and Japan, who share our concerns over increased drug trafficking, to concentrate on demand programs while contributing to a regional efforts to reduce supply. Lastly it would improve international cooperation and international law to fight a war of global proportions.

CONCLUSION AND RECOMMENDATIONS

The United States pursued a multilateral approach to illicit drugs through a series of international treaties from 1909 to 1971. As the "youth culture" of the 1960s brought with it an ever-increasing reliance on heroin, marijuana and LSD, it became evident that as a nation we could no longer rely on international treaties. Thus we resorted to bilateral agreements with source countries. Public tolerance of drugs during the 1970s turned to impatience and frustration in the 1980s. Congress, pressured by an angry and increasingly desperate public, demanded a greater DOD role in the drug war. Both Secretaries of Defense Weinberger and Calucci strongly defended the military position of "assistance only" and not "assuming a lead role." Then five key actions drastically changed this philosophy: First, in 1981 DOD stopped regarding illegal drugs simply as a problem in the services; rather, under Congressional pressure, DOD was charged with overseeing the war against drugs. Second, the 8 April 1986 National Security Decision Directive declared drugs a threat to national security and expanded DOD's role in anti-drug trafficking. This action provided the go-ahead for DOD to send

active duty soldiers to Bolivia for crop eradication and the disruption of cocaine production. Third, the 1988 National Defense Authorization Act required DOD to serve as the single lead agent for detection and monitoring of aerial and maritime transit of illegal drugs. Congress, disgruntled over DOD foot-dragging and reluctance to take charge of the supply side interdiction mission, took the lead from the Administration and directed DOD's involvement. Fourth, on 5 September 1989 President Bush issued the National Drug Control Strategy directing the Defense Department to implement the Administration's strategy. A new Secretary of Defense, Richard Chaney, took charge and drew a "line in the sand"; he asserted the drug war was a "high priority national security mission" and the military could do more to assist in the effort.

Lastly, between 1989 and 1992 several major Administration actions took place: The military organized five task forces to implement DOD's drug war guidance; the justice Department ruled on the Extraterritorial Effects of the posse Comitatus Act; we initiated a strategy for source reduction in the Andes; and we passed an International Drug Control Act for military and law enforcement assistance to the Andes. We have since witnessed DOD's deployment of troops to Panama to topple the drug-supported regime of General Manuel Noriega and the deployment of a battle group off the coast of Colombia for interdiction of drug traffickers. Clearly these actions go well beyond Congressional authorizations of interdiction. DOD has gone beyond

Congressional intent when it mandated that DOD accept the lead role. Yet even though these actions may not represent the original intentions of Congress, the DOD took charge of a mission that no one else was either capable of carrying out or willing to accept. In the meantime, Congress has not necessarily acknowledged approval of DOD's actions, but silence on the part of Congress indicates consent. DOD has assumed an important role with limited guidance and general confusion from Congress -- which has been quick to demand action but short on answers. DOD has been placed into a position to provide plans for a war for which it does not have total responsibility. Until clear guidance is given or until we see a change in philosophy and legal interpretations, a decrease in military anti-drug activity is not likely.

Department of Defense has been left to fight a long term unwinnable supply side war, one of reinforcement as opposed to reassessment.⁴⁸ The problem remains. And we still have no clear strategy for ending the war. The Administration and Congress have elected to maintain this supply side approach while pursuing demand reduction at home. Even increased expenditures for drug interdiction would have a negligible effect on consumption. Further, it is doubtful that tax payers will indefinitely accept a \$11.7 billion annual budget to counter drugs. If our strategy for source and transit countries is flawed, more resources alone won't solve the problem. More military support to law enforcement won't change the equation. We must instead rethink

our own strategy, largely in the domain of domestic policy, not foreign policy.

We should support a regional approach through a coalition of source countries and other nations that have experienced or will experience an increase in drug trafficking as a result of the United States continued pressure on drug traffickers. The bilateral approach is too costly and over-whelming; in effect, it forces the U.S. to "go it alone." A coalition initially should include countries of Latin America, Europe and Japan. Anything short of a regional approach will encourage relocation of growing and processing operations, simply leading to new source countries.

The military has already made numerous contributions to the drug war. It will certainly be a player in the future. But clear, specific and direct guidance must be given by Congress. Total eradication and interdiction will never work as long as we have large segments of our society demanding illegal drugs. The solution to the drug problem should be a combination of pressure on both users and suppliers, with substantially more effort on the demand side. The American public has demanded that supply and demand be brought under control. Through careful thought, cooperation and planning DOD has the opportunity to contribute significantly in the shaping of a drug war strategy reflecting our traditional beliefs of separation between the civil and military spheres.

**APPENDIX A
MULTILATERAL TREATIES
FOR WORLDWIDE CONTROL OF NARCOTIC DRUGS
1912-1971**

Shanghai Opium Commission 1909	First international conference on narcotic drugs. This was a U.S. initiative.
Hague Convention	The first international narcotics convention concluded at the Hague. It established international co-operation in the control of narcotic drugs as a matter of international law. These principles remain the basis of international narcotics control.
The League of Nations	Created an Advisory Committee of Traffic in Opium and Other Dangerous Drugs to assist and advise the League's Council.
Geneva Convention of 1925	Governments were required to submit to the newly created Permanent Central Board (later called Permanent Central Narcotics Board) annual statistics concerning production of opium and coca leaves and the manufacture, consumption and stocks of narcotic drugs.
Geneva Convention Of 1931	Limited world manufacture of drugs to the world's medical and scientific needs. It contained provisions to restrict the quantities of drugs available in each country and territory.
Geneva Convention Of 1936	Called for severe punishment of illicit traffickers. This was the last treaty under the auspices of the League Of nations.
Geneva Convention Of 1946	The Economic and Social Council created the Commission on Narcotic Drugs as one of its functional commissions. The Commission was to consider what changes may be required in existing machinery for international control of narcotics.

Protocol Of 1946	Transferred to the United Nations the functions previously exercised by the League of Nations under the various narcotics treaties concluded before the Second World War.
Paris Protocol Of 1948	Authorized the World Health Organization to place under full international control any new drug (including synthetic drugs) not specifically named in earlier resolutions.
Opium Protocol Of 1953	Limited the use of opium and the international trade in it to medical and scientific needs and eliminated legal overproduction of opium by limiting the stock of the drug maintained by individual States.
Single Convention Of 1961	Marked a major milestone in the history of international narcotics control. It prohibited such practices as opium smoking, opium eating, coca-leaf chewing, hashish smoking, or the use of cannabis plants for non-medical purposes.
Convention Of Psychotropic Substances, 1971	A new problem was raised in the Commission on Narcotic Drugs in 1963 -- the abuse of LSD. The Commission prohibited the use of hallucinogens except for scientific research specifically authorized and licensed by respective governments.

The following is a reproduction from Army-Air Force Center for Low Intensity Conflict. It represents a chronology of Executive and Congressional actions in the fight against drugs. This chronology is not readily available in other publications.

CHRONOLOGY OF EVENTS

- In 1968, President Lyndon B. Johnson's Reorganization Plan Number 1 established the Bureau of Narcotics and Dangerous Drugs in the Department of Justice, which held the main responsibility for federal drug investigations.

- In 1971, President Richard M. Nixon set up the Special Action Office for Drug Abuse Prevention (SAODAP) to coordinate and to oversee all federal drug programs that were scattered among fourteen agencies. The SAODAP held no drug law enforcement authority.

- In 1971, President Richard M. Nixon also created a Cabinet Committee on International Narcotics Control to develop a strategy to stop illegal drug trafficking into the United States and to coordinate foreign efforts assisting in this task.

- In 1972, Congress passed the "Drug Abuse and Treatment Act" establishing the National Institute on Drug Abuse under the Department of Health, Education, and Welfare to reduce the demand for drugs. This act also created the cabinet-level Strategy Council on Drug Abuse (SCDA) to develop a federal strategy to prevent drug abuse and to halt drug illegal traffic. The SCDA was also to issue the official counterdrug plan in the guise of the Federal Strategy for Drug Abuse and Drug Traffic Prevention.

- In 1973, Reorganization Plan Number 2, signed by President Richard M. Nixon, created the Drug Enforcement Administration (DEA) in the Department of Justice (DOJ) to investigate all drug law enforcement cases under federal drug laws. Other offices in the DOJ with functions similar to those of the DEA ceased to exist.

- On 28 March 1973, the cabinet-level Strategy Council on Drug Abuse published its first Federal Strategy for Drug Abuse and Drug Traffic Prevention, the national plan for counterdrug actions.

- In 1974, the federal government established the El Paso Intelligence Center (EPIC) to centralize and to control information about the illicit drug traffic entering the United States. EPIC maintained the single authoritative set of statistics about drug seizures in the U.S., which it published annually, deriving the information from its extensive data bases.

- On 17 June 1974, the cabinet-level Strategy Council on Drug Abuse published its second Federal Strategy for Drug Abuse and Drug Traffic Prevention, the new national plan for counterdrug actions.

- On 1 June 1975, the cabinet-level Strategy Council on Drug Abuse published its third Federal Strategy for Drug Abuse and Drug Traffic Prevention, the new national plan for counterdrug actions to supplant the previous year's plan.

- During November 1976, the cabinet-level Strategy Council on Drug Abuse published its fourth Federal Strategy for Drug Abuse and Drug Traffic Prevention, the new national plan for counterdrug actions to update and to replace the previous year's plan. (No additional Federal Strategy for Drug Abuse and Drug Traffic Prevention appeared until 1979, and none was forthcoming in either 1980 or 1981.)

- In 1976, Congress passed amendments to the Drug Abuse Office and Treatment Act of 1972, including the provision establishing the Office of Drug Abuse Policy (ODAP). The creation of the ODAP signified the disgruntlement of Congress about the inconsistency and confusion characterizing federal drug policy and manifested Congress' increasing concern about the rising incidence of addiction to illicit drugs.

- In 1977, President James E. (Jimmy) Carter abolished the Cabinet Committee on International Narcotics Control.

- In April 1978, the federal government established the National Narcotics Intelligence Consumers' Committee (NNICC). Chaired by the Drug Enforcement Administration (DEA), the NNICC coordinated the collection, analysis, dissemination, and evaluation of strategic drug intelligence, both foreign and domestic (although its primary concern was with the available domestic drug supply). This intelligence became essential to policy development, resource deployment, and operational planning in the counterdrug efforts of ten federal agencies with drug law enforcement responsibilities. The annual reports of this agency disclosed the details of the production, routing, consumption, and monetary aspects of illicit drug activity in the United States.

- In 1980, during the Presidential election campaign, both the incumbent, Democrat Jimmy Carter, and his Republican challenger, Ronald W. Reagan, promised to take measures to curtail illegal drug usage, if elected President.

- In November 1980, following his victory in the Presidential election, President-elect Ronald W. Reagan created a Transition Team to chart policies, among which was a "war on drugs," a move especially popular with the Congressional delegation and others from southern Florida.

- During 1981, the levels of defense spending began to rise rapidly under the Reagan Administration, encouraging members of Congress and other concerned citizens to claim that some of these expenditures should go to efforts to combat the menace of illegal drug trafficking.

- On 1 December 1981, Congress modified the Posse Comitatus Act of 1878 to permit the military to play a larger role in counterdrug efforts. These modifications were part of PL 97-86, the Defense Authorization Act, and they marked the beginning of DOD involvement in the national civilian counterdrug effort. Heretofore, under the Act of 1878 (18 U.S.C. 1385), anyone who attempted to use the military for enforcement of the laws, unless specifically authorized by Congress or the Constitution, was liable for a fine of \$10,000.00 and/or a two-year term of imprisonment. The U.S. Air Force fell under this restriction upon its creation in September, 1947, and the U.S. Navy had earlier chosen to impose similar restrictions upon itself and the Marine Corps, even though the Act of 1878 did not mention the U.S. Navy. In none of these restrictions, however, did Congress intend to prevent the military's use in direct drug interdiction activities outside the borders of U.S. territory.

- On 4 December 1981, President Ronald W. Reagan signed Executive Order 12333 directing U.S. intelligence agencies to share information about foreign production and trafficking of illegal narcotics bound for the United States. This order changed the separation between foreign and domestic intelligence collecting activities.

- On 30 January 1982, the Reagan Administration formed the "South Florida Task Force" (SFTF) and placed it directly under the Office of Vice-President George H. W. Bush. The SFTF held the responsibility of eradicating the illicit drug trade in Florida. Composed of nineteen federal, state, and local agencies grouped theoretically under the control of the Commander of the United States Coast Guard's District 7, the SFTF was the prototype of the "Joint Drug Task Force." Moreover, the SFTF included both active and reserve component military personnel; it stressed interdiction and operated both in Florida and outside the United States (in the Bahamas and in the Caribbean).

- On 22 March 1982, the Department of Defense (DOD) issued Directive Number 5525.5 giving guidance for DOD components in handling requests for assistance in drug law enforcement (DLE) from federal, state, and local officials in DLE agencies.

- By 30 June 1982, federal law enforcement agencies (LEA's) were associated with a Federal Coordination Group for Drug Interdiction (FCGDI). At this juncture, the DOD, which was represented on the FCGDI, was informing all federal LEA's about the personnel and materiel available to assist them in drug law enforcement.

- On 20 August 1982, the Drug Abuse Policy Office in the Executive Office of the President published its fifth version of the National Strategy for Prevention of Drug Abuse and Drug Trafficking, the new national plan for counterdrug actions.

- By 31 October 1982, the Reagan Administration was operating Joint Drug Task Forces in twelve major U.S. cities.

- By 31 October 1982, the Reagan Administration was providing support to the counterdrug operations of the governments of the Bahamas and the Grand Turks Islands. These were the "OPBAT" activities in which aircrews provided by the Drug Enforcement Administration flew helicopters furnished by the U.S. Air Force to give the Bahamian Police Drug Strike Force personnel the tactical mobility to interdict illegal drug deliveries.

- By 31 December 1982, the Department of Defense, acting either as "a subcontractor," or "a service provider," was furnishing previously unavailable resources to drug law enforcement agencies at all levels, and, at this juncture, it had accepted 121 of 126 requests for assistance.

- By 31 January 1983, the Drug Enforcement Administration, acting through channels in the Department of Justice and the Office of the Vice President, was requesting direct military support for drug interdiction operations in the Bahamas and Grand Turks.

- By 31 May 1983, the USAF was maintaining two helicopters and twenty-two personnel to support the tactical mobility of drug interdiction activities in the Bahamas and Grand Turks, where operations, because of this additional assistance, were now functioning at full capability.

- By 30 June 1983, the federal drug law enforcement agencies had established the National Narcotics Border Interdiction System (NNBIS), an outgrowth of the South Florida Task Force to combat drug activities in Florida. The NNBIS attempted to coordinate and to rationalize the counterdrug interdiction activities of the federal government under the management of the Vice-President. The DOD dedicated military manpower to work with this organization.

- By 1 July 1983, the DOD had approved 436 of 453 requests for assistance from drug law enforcement agencies.

- By 31 December 1983, the El Paso Intelligence Center (EPIC), created in 1974 and run by the Drug Enforcement Agency from a site near El Paso, TX, was assuming greater importance as a drug intelligence focal point. EPIC collected the information gathered by the various civilian drug law enforcement agencies and their assisting military components and then, after analyzing and integrating this information, disseminated the product as intelligence to all civilian drug law enforcement agencies.

- On 1 January 1984, the Army recalled Lieutenant General (LTG) R. Dean Trice, USA (Ret), to active duty to head the DOD Task Force on Drug Law Enforcement.

- In 1984, Congress passed the "Comprehensive Crime Control Act" which created the National Drug Enforcement Policy Board (NDEPB) to facilitate coordination among the federal agencies involved in drug law enforcement. The mission of the NDEPB was

to review, to evaluate, and to develop policy and strategy for drug law enforcement activities. The NDEPB held authority to set budgetary priorities, to coordinate federal efforts in drug law enforcement, and to coordinate intelligence activities associated with drug law enforcement.

- On 10 September 1984, President Ronald W. Reagan proclaimed the federal government's sixth National Strategy for Prevention of Drug Abuse and Drug Trafficking. This iteration of the strategy called for all elements of the society to join their efforts with those of the federal government to eliminate the drug menace through coordinated drug law enforcement at all levels of government, broad educational efforts, and international cooperation. This strategy was originally the product of the Drug Abuse Policy Office within the White House's Office of Policy Development. During 1985, this strategy guided the efforts of the National Drug Enforcement Policy Board, a cabinet-level body under the chairmanship of the Attorney General of the United States who was responsible for establishing and coordinating policy in national and international drug law enforcement. There had been no such plan in 1983, and none was forthcoming during either 1985 or 1986.

- By 31 December 1984, the U.S. Air Force was strongly involved in assisting civilian drug law enforcement agencies: such assets as C-130's were deployed in the Gulf of Mexico to carry out surveillance missions; B-52's were collecting information during their training flights; airborne warning and control system aircraft were performing interdiction flights over the Southwest and the Gulf of Mexico; a special helicopter unit was operating in the Bahamas in support of local police; and the Air Force was passing information from the U.S. Air Force/Federal Aviation Administration Joint Surveillance System's ground-based and balloon-borne radars in Florida to the U.S. Customs Command Center, Miami, FL.

- On 24 April 1985, LTG R. Dean Trice, USA, Chief, DOD Task Force for Drug Law Enforcement, testified to the House Subcommittee on Crime that, during the course of 1984, the active and reserve components of the three military services had flown 3,100 sorties in support of the work of the civilian drug law enforcement agencies. These sorties amounted to about 10,000 hours' flying time, averaging about eight sorties per day during 1984. According to General Trice, the DOD was determining which requests for assistance were "viable" by balancing the requests' requirements and goals with those of readiness and traditional national security.

- On 27 February 1985, United States Senator Albert De Concini (D-AZ) introduced a bill (S. 537) to authorize funds for a Special Operations Wing of the USAF Reserve to combat illicit drug trafficking. This wing would have held a civilian law enforcement drug interdiction mission. Had the bill become law, it would have constituted a historical departure from the precedents and customs of U.S. constitutional law and practice

regarding the military's role in civilian law enforcement by making the military direct law enforcers. A similar measure (H. R. 1307) also appeared in the House of Representatives and called for the funding of a special DOD Directorate, the "Directorate of the DOD Task Force on Drug Law Enforcement."

- On 8 May 1985, the U.S. Air Force responded to the Chairmen, House and Senate Armed Services Committees, regarding the creation of a Special Operations Drug Wing and a DOD Directorate for Drug Law Enforcement. The U.S. Air Force stated that it had no objection to the provisions of H.R. 1307 and S. 531, so long as the military selected the "platforms" for use in the suppression of the drug trade. The U.S. Air Force wanted authority to select the aircraft that were the most economically adaptable for the dual needs of civilian drug law enforcement and traditional national security missions.

- During December 1985, the U.S. House of Representatives tried to change the Posse Comitatus Act specifically to permit military personnel to engage in active search and seizure actions outside the land area of the United States and its possessions (H.R. 2553). The measure passed the House 364-54, but the U.S. Senate defeated the proposal.

- During December 1985, the Congress inserted a provision into the Fiscal Year 86 DOD Appropriations Act directing the U.S. Air Force to form a dedicated special drug interdiction element within a year.

- On 15 January 1986, the DOD republished its Directive 5525.5, "DOD Cooperation With Civilian Law Enforcement Officials," to incorporate into its guidance the recent changes in the laws. This directive took into account the impacts of the Posse Comitatus Act of 1878 produced by the passage of PL 97-86 of 1 December 1981, Executive Order 12333 of 4 December 1981, and all other relevant laws and regulations pertaining to military involvement in drug law enforcement.

- On 8 April 1986, President Ronald W. Reagan signed National Security Decision Directive (NSDD) 221, a classified document that described the threat to national security posed by the illicit drug traffic. NSDD 221 also complemented the National Strategy for Prevention of Drug Abuse and Drug Trafficking that President Reagan had declared in 1984. In effect an "Operational Order," NSDD 221 charged the highest officers in the administration to pursue drug law enforcement and international cooperation to thwart the drug traffickers, and practically it further facilitated the use of DOD personnel and resources in drug control measures.

- On 11 April 1986, President Ronald W. Reagan signed the National Security Decision Directive (NSDD) on Narcotics and National Security requiring, inter alia, that the U.S. government consider the counterdrug records of potential recipients of foreign aid as a factor in determining the granting of aid, that

the DOD expand its role in counterdrug activities, that U.S. officials place more emphasis on illicit drug trafficking as a national security issue in dealings with foreign powers, and that DOD intelligence components play a larger role in counterdrug work.

- Between mid-July and early December 1986, "Operation Blast Furnace" took place in Bolivia, whose government had asked for the operation to combat the growing menace of coca traffickers. Coming about three months after President Ronald W. Reagan announced an increase in the tempo in the "war on drugs," "Operation Blast Furnace" involved six U.S. Army Blackhawk helicopters and 170 officers and enlisted personnel from the 210th Combat Aviation Battalion, 193d Infantry Brigade, Fort Clayton, Panama. Working in concert with the Bolivian police, these U.S. forces operated from three bases and, by destroying jungle-situated, coca-paste processing laboratories, seriously disrupted the illegal coca trade for about three months. Long-term impacts of the effort seemed doubtful, however, since the drug trade returned to pre-operation levels after the force departed in early December. Also, repeating the operation appeared to be unlikely: the deployment was costly, and, more significantly, it raised the sensitive issue of Latin American sovereignty, because it required the presence of U.S. troops on national soil.

- On 27 October 1986, President Ronald W. Reagan signed Public Law 99-570, the "Anti-Drug Abuse Act." This measure required drug-producing countries to certify that they were cooperating in the U.S. campaign to reduce the production of illegal narcotics, to combat the traffic in these drugs, and to quash the "laundering" of monies made in the illegal drug trade. The nations not receiving certification as cooperative would lose U.S. foreign assistance.

- On 20 January 1987, the cabinet-level National Drug Policy Board published its National and International Drug Law Enforcement Strategy, the new federal plan for counterdrug actions.

- On 26 March 1987, President Ronald W. Reagan signed Executive Order 12590 officially authorizing the National Drug Policy Board to exercise oversight for all aspects of the federal counterdrug effort from diplomatic measures to domestic drug law enforcement, including prevention and treatment. In effect, this measure changed the name of the National Drug Enforcement Board to the National Drug Policy Board and expanded the authority of this agency.

- During July 1987, coca growers in Bolivia blocked highways and held demonstrations to protest the Bolivian government's cooperation with the U.S. coca-crop eradication efforts. The demonstrators also denounced the presence of U.S. Army Special Forces in Bolivia. The demonstrations forced the Bolivian Government to abandon the crop eradication program.

- In 1988, the United Nations Organization promulgated its Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

- In early 1988, the National Drug Policy Board published its Toward a Drug Free America: The National Drug Strategy and Implementation Plan, the new federal counterdrug action plan.

- In August 1988, thirty nations participated in a month-long cocaine-control project under the sponsorship of the International Drug Enforcement Conference, which exercised oversight in this cooperative, coordinated, multinational law-enforcement effort to seize cocaine and cash, to hunt down fugitives, and to impede the laundering of illegal drug money.

- In August 1988, the DOD coordinated the commitment of National Guard units of four states to work with the U.S. Customs Service in inspecting cargo entering the United States.

- On 29 September 1988, the President signed into law the DOD's Fiscal Year 89 National Defense Authorization Act, which assigned certain counterdrug tasks to the DOD under Title XI. Before the passage of this act, the DOD counterdrug role was limited to fulfilling specific requests from law enforcement agencies for designated services and loans of equipment. This act, however, broadened the scope of DOD counterdrug activities, since it made the drug problem a national security concern and assigned specific missions to the DOD. Thereafter, DOD guidance and systematic thinking about the drug menace and the military role in combating it followed swiftly.

- On 13 October 1988, the Deputy Secretary of Defense approved the establishment of the Drug Enforcement Support Directorate within the staff of the Assistant Secretary of Defense for Force Management and Personnel. This Directorate received the responsibility for coordinating the implementation of Title XI counterdrug tasks under the Fiscal Year 89 Defense Authorization Act, including the fiscal oversight of appropriated funds.

- On 18 November 1988, Congress passed PL 100-690, the "Anti-Drug Abuse Act of 1988." This act established the Office of National Drug Control Policy in the Executive Office of the President. While terminating the National Drug Policy Board and the National Narcotics Border Interdiction System, this measure also repealed the National Narcotics Act of 1984.

- On 8 December 1988, the Secretary of Defense issued a Warning Order to the Theater Combatant Commanders (Commanders-In-Chief, the CINCS) about counterdrug taskings and set up an organization to handle the DOD detection and monitoring mission and lead agency role. He also assigned missions to the CINCs and requested proposed courses of action.

- On 6 January 1989, the Secretary of Defense issued policy guidelines (Defense Guidance) for the implementation of the DOD mission contained in Title XI under the Defense Authorization Act of Fiscal Year 89.

- 10 January 1989, the Secretary of Defense issued an Alert Order to the CINCs. He also approved courses of action and directed the development of operations orders for detection and monitoring activities. The CINCs immediately began defining their program requirements.

- On 3 February 1989, the Secretary of Defense issued an Executive Order to the Theater CINCs to commence detection and monitoring operations. He also authorized the expenditure of \$10 million of operation and maintenance funds for start-up costs of counterdrug efforts.

- On 10 February 1989, the headquarters of Joint Task Forces (JTFs) 4 and 5 became operational. The DOD created these JTFs to conduct counterdrug surveillance and to coordinate federal detection and monitoring activities in the Southeast (JTF 4) and the Southwest (JTF 5). The Commander of JTF 4, Key West, FL, was a U.S. Coast Guard Vice Admiral, who reported to the Commander-In-Chief, Atlantic (CINCLANT); the Commander of JTF 5, Alameda, CA, was a U.S. Coast Guard Rear Admiral, who reported to the Commander-In-Chief, Pacific (USCINCPAC). Operating twenty-four hours a day, seven days a week, these two JTFs supported drug interdiction efforts, coordinated surveillance activities, furnished target data, and fused intelligence, passing it to the civilian law enforcement agencies' command centers.

- On 15 February 1989, the DOD began developing its counterdrug report to Congress. This report provided information about the implementation status of three mission areas: the command, control, communications, and intelligence (C³I) and communications integration plan, the National Guard support to the states, and the plan for the use of \$300 million in funds to pursue the counterdrug mission.

- On 30 March 1989, the Secretary of Defense approved twelve National Guard plans to assist the states in counterdrug operations. National Guard troops began to conduct surveillance and inspection operations in support of state drug interdiction and enforcement activities as the DOD transferred funds to the National Guard for these purposes.

- On 28 April 1989, the Secretary of Defense approved thirty-six additional National Guard counterdrug plans, and the DOD transferred additional funds to support these plans.

- On 5 May 1989, the DOD completed its C³I report to Congress in response to Section 110.3 of the Fiscal Year 89 Defense Authorization Act.

- On 17 May 1989, the DOD Drug Coordinator approved \$300 million for the Fiscal Year 89 DOD counterdrug program. Fiscal documentation commenced for allocation of Operation and Maintenance funds as did reprogramming for necessary procurements.

- On 25 May 1989, the Secretary of Defense approved the National Guard plan for the District of Columbia and authorized the transfer of the necessary funds.

- On 15 June 1989, the transfer of Operation and Maintenance funds was scheduled for completion as were reprogramming requests to Defense Committees in Congress.

- In July 1989, at the convening of the Economic Summit of Industrialized Nations, United States Secretary of State James Baker exhorted Canada, France, Italy, Japan, West Germany, and the United Kingdom to act more aggressively to quash the laundering of illicit drug money.

- In early September 1989, President George H. W. Bush, through the White House's Office of National Drug Control Policy (ONDCP), announced to the nation his strategy for the "war on drugs." This strategy appeared in the ONDCP's National Drug Control Strategy (first edition), which embraced an \$8 billion program, including provisions for education, treatment, law enforcement, incarceration improvements, and aid to certain Latin American nations. The plan also allocated \$1.5 billion for interdiction of illicit drug trafficking, an effort that was to incorporate DOD technology as well as \$2 billion over five years in military and law enforcement assistance for Colombia, Bolivia, and Peru.

- On 18 September 1989, Secretary of Defense Richard B. Cheney issued a memorandum, Military Support to International Counternarcotics Activities. Classified Confidential, this memorandum contained an important enclosure: Department of Defense Guidance for Implementation of the President's National Drug Control Strategy.

- On 16 November 1989, the Secretary of the Navy issued a memorandum: Department of the Navy Guidance for Implementation of the President's National Drug Control Strategy.

- In January 1990, President George H. W. Bush issued a second edition of the September 1989 National Drug Control Strategy. This document called for increased international cooperation against drug production, trafficking, and abuse with particular emphasis on cooperative activities with Colombia, Peru, and Bolivia.

- In February 1990, President George H. W. Bush met with the Presidents of Colombia, Peru, and Bolivia at the "Andean Summit" in Cartagena, Colombia, where the four chief executives arrived at an agreement to cooperate closely in counterdrug efforts,

including control of drug-processing chemicals, education against drug use, exchanges of tax information, and a more extensive role for the military establishments of the four nations in combating illicit drugs. The official statement emerging from this meeting was the "Declaration of Cartagena," dated 15 February 1990.

- In July 1990, President George H. W. Bush announced that he intended to seek tariff preferences from Congress for Bolivia, Colombia, Ecuador, and Peru to help these nations' economies to offset the impacts of the suppression of the illicit drug trade. The basic concept involved a ten-year, one-way "free trade" on several important products from these nations.

- On 10 August 1990, Federal District Court Judge Edward Rafeedie ruled that the United States Government had violated its Extradition Treaty with Mexico by permitting the Drug Enforcement Administration (DEA) to arrange for the abduction of Humberto A. Machain, a Mexican physician implicated in the torture murder of DEA agent Enrique Camarena near Guadalajara, Jalisco, Mexico, in 1985.

- On 20 August 1990, Panamanian officials declared that there had been little significant reduction in the traffic of illicit drugs through Panama during the eight months following the fall of dictator Manuel Antonio Noriega as the result of "Operation Just Cause" in December 1989.

- On 5 September 1990, President Cesar Gaviria of Colombia declared that Colombian cocaine cartel chieftains who surrendered to Colombian officials would stand trial in Colombian courts and not be subject to extradition to the United States for trial on drug smuggling charges.

- On 5 September 1990, President George H. W. Bush publicly vowed to prosecute the "war on drugs" vigorously despite the growing difficulties with Iraq in the Persian Gulf.

- On 27 September 1990, in a speech to the Law-Enforcement Forum in New York City, Governor Mario M. Cuomo of New York attacked the Bush Administration's "war on drugs" as inadequate and threatened to flood the United States District Courts in New York state with apprehended drug trafficking suspects unless the United States Government agreed to share more of the costs of drug law enforcement with the states.

- On 2 October 1990, an explosion in a cocaine-processing laboratory in Medellin, Colombia, killed nine persons and injured fifty-seven others, including twenty children in an adjacent school building. Unfortunately a type of event now prevalent in Colombia, this explosion underscored the fact of the growing power of the drug interests to disrupt Colombian society and to threaten public safety.

- On 9 October 1990, the Supreme Court of the United States agreed to render a ruling in a case involving the right of the police to board a bus or a train and to search the luggage of passengers as a counterdrug measure. The crucial issue in the case (arising in Florida) was whether the police needed the basis of a suspected wrongdoing before undertaking any search.

- On 27 October 1990, Peru's newly-elected President, Alberto Fujimori, proposed a novel approach to stop coca-leaf production: the creation of a free-market environment in which peasants can find alternative crops economically feasible. However, this plan posed some difficulties, since it required giving land titles to peasants, cutting out state controls, eliminating state granted monopolies that make legal crops unprofitable for small growers, and rejecting emphasis on military and police repression. Some observers prophesied that the implementation of President Fujimori's plan would produce a civil war, given the sweeping nature of the scheme and the internal disorders endemic to the nation.

- On 28 October 1990, President George H. W. Bush promised the delivery of military helicopters to Mexico for use in that nation's participation in the "war against drugs." However, critics in the United States Senate denounced the delivery of the aircraft on the grounds that they would be under the charge of a Mexican official heavily implicated in illicit drug activities and corruption.

- On 7-8 November 1990, Mr. William J. Bennett, first Director of the Office of National Drug Control Policy, announced his intention to resign his post early in 1991. Critics of the Administration's "war on drugs" charged that Bennett and the entire effort against illicit drugs had been a failure, and in reply, Mr. Bennett denounced the efforts of the Mayor of Washington, D. C. (Marion S. Barry) and Congressman Charles B. Rangel as counterproductive to the "war on drugs."

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